



Summary Overview of First Ministers Meetings & First Nations Participation

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The passage of the first constitutional statute¹ in 1867 establishing the Canadian federation took place with no First Nations involvement.

After Confederation, the first formal meeting of federal and provincial First Ministers (FMM) was held in 1906, to discuss a proposed change in financial subsidies to the provinces. It was not until the 1980's (and more than 50 more FMMs) before First Nations secured a voice and formal participation at any FMM table.

First Ministers Meetings (FMMs) are called and chaired by the Prime Minister. They are also sometimes called First Ministers Conferences ("FMCs").

FMMs discuss pressing national matters such as proposed changes to the Constitution, national economic and fiscal matters as well as national matters of social policy like health. FMMs can vary considerably in scope and the amount of time spent to prepare for them.

FMMs are distinct from the Premiers-only Meetings organized by the [Council of the Federation](#). The federal government does not organize or participate in these meetings. First Nations have attended Premiers meetings from time to time but with limited participation as "guests".

In 1980 and 1981, several constitutional conferences were called by Prime Minister Pierre Trudeau to prepare a proposed package of amendments to "repatriate" Canada's Constitution (meaning for Canada to take control over its amendment from the U.K.)

The FMMs held to draft the "repatriation package" excluded Indigenous peoples formal representation and the package itself failed to address First Nations rights in any adequate or direct way. The failure of the initial package to provide positive guarantees of Indigenous peoples' rights led to intense advocacy by First Nations (as well as Inuit and Metis organizations).

First Nations launched a very strong public advocacy campaign. It contained several elements: advocacy targeting federal Ministers, federal Opposition Leaders, allies in broader Canadian society, progressive Premiers, Parliamentary Committees and the launch of a very vocal and effective First Nations movement "the Constitution Express" that was active from 1980 to 1981.

The Constitution Express brought at least 1000 First Nations people by train to Ottawa. It greatly raised the profile of First Nations' rights and constitutional priorities and highlighted the refusal of First Ministers to include First Nations in the patriation package in any adequate way. The Constitution Express also raised public awareness in Canada and internationally of the longstanding nation to nation relationship between First Nations and the British Crown. First Nations leadership also lobbied the U.K. Parliament and brought litigation in U.K. courts.

¹ British North America Act, 1867, now called the Constitution Act, 1867.



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Eventually, First Nations succeeded in securing recognition and affirmation of “aboriginal” and Treaty rights in s. 35 in the *Constitution Act, 1982*², as well as protections in s. 25 (a non-derogation clause) of the Charter of Rights and Freedoms and constitutional amendments requiring a series of FMMs that required First Nations representation on matters directly affecting “aboriginal peoples”. The intent was to further discuss the Aboriginal and Treaty rights affirmed by section 35 (such as self-government rights) in order to provide more certainty and more direction to courts who would be called upon to interpret the Constitution.

All the required FMMs were held but without consensus being achieved on any amendments apart from important clarifying amendments confirming s. 35 protection for existing and future “land claims agreements” and another affirming that s. 35 rights were affirmed equally for women and men.

In addition, section 35.1 of the *Constitution Act, 1982* states federal and provincial governments “are committed to the principle” of holding a constitutional conference with representatives of “aboriginal peoples” before any amendment to Part II of the *Constitution Act, 1982* (which contains sections 35 and 35.1), or to section 25 of the *Charter of Rights and Freedoms* or to s. 91(24) of the *Constitution Act, 1867*. This provision still applies today and the commitment likely implicates the Honour of the Crown.

All of these constitutional amendments were the result of intense, persistent advocacy by First Nations (and Inuit and Métis).

In 1987, Prime Minister Brian Mulroney launched a constitutional reform process aimed at addressing Quebec’s constitutional concerns. That process excluded First Nations. First Nations and other Indigenous leaders vigorously protested the substance of the Meech Lake Accord and their exclusion from discussions.³

First Nations leadership turned to, Manitoba MPP Elijah Harper (of Red Sucker Lake First Nation) who said “no” to the Meech Lake Accord ratification in the Manitoba Legislature while holding a feather. The Constitution required unanimous ratification by each province and Elijah Harper’s action prevented the ratification required by Manitoba.

Mulroney launched another constitutional reform initiative in 1992 again primarily to address Quebec’s concerns (but also other issues such as Senate reform). After much advocacy by First Nations leadership (and Inuit and Metis leadership) they secured full inclusion in all the constitutional discussions that led to the 1992 Charlottetown Accord (which ultimately failed following a national referendum in the same year to ratify it).

2 Constitutional law expert Peter Hogg recounts the rocky history of s. 35 in the FMMs held in the early 1980’s this way: “Section 35 was not in the October 1980 version of the constitution act, 1982. It was in the April 1981 version, but without the word “existing” in subsection (1). The entire section was dropped, apparently at the request of the Premiers of the resource-based provinces, in the November 5, 1981 federal-provincial agreement. This development attracted severe criticism, and later in November, the first ministers agreed to restore the section, but with the addition of the word “existing”. Subsections three and four were not in the original version; they were added by the Constitution Amendment Proclamation, 1984.” Hogg P. (1985). *Constitutional Law of Canada*, 2nd ed. At p. 564, footnote 83.

3 Peach, I. (2011). [The power of a single feather: Meech lake, Indigenous resistance and the evolution of Indigenous politics in Canada](#). *Rev. Const. Stud.*, 16, 1.



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The Charlottetown process was an intensive 9 months of negotiations: first at the officials level, then ministers responsible for constitutional affairs and eventually Premiers and the Prime Minister at two FMMs. Indigenous leadership were included in discussions not only on the self-government agenda item but all agenda items (the Canada clause, the division of powers, Senate reform, reform of the Supreme Court of Canada and Quebec's distinct society clause); and at all levels of discussion. Peter Russell and Roger Jones have concluded: "The constitutional process that produced the Charlottetown Accord was the first time since Confederation that Aboriginal peoples were included in a major overall effort at constitutional restructuring of the Canadian federation."⁴

The next opportunity arose in the process leading to the 2005 "Kelowna Accord"⁵ (under Prime Minister Paul Martin). The Kelowna Accord aimed to close the gap in living standards between Indigenous peoples and Canadians by 2016 and focused on action to address gaps in education, health, housing, and economic opportunities. Like the Charlottetown Accord process, the process leading to the 2005 Kelowna Accord was remarkable in the scope and depth of policy work carried out with First Nations - in a structured process of roundtable discussions and senior officials meetings and meetings with ministers over many months before the FMM.

Under the Kelowna Accord, the parties agreed to work together to set goals and measure progress over a ten-year period to achieve better and measurable socio-economic results as well as improved relationships. The aim was to ensure the standard of living of Indigenous peoples was raised to that of other Canadians by 2016.

Since the Charlottetown Accord and Kelowna Accord, the inclusion and level of First Nations participation in FMMs has been sporadic, and severely restricted. Since 2017, at the insistence of some provincial Premiers, in-person FMMs have been preceded by a separate meeting between First Ministers and the leaders of the AFN, ITK and MNC. Typically, once this segregated meeting is concluded, Indigenous peoples' leadership are explicitly excluded from the balance of the FMM. (For example, there was limited access by First Nations to the 2017 FMM held to discuss development of a framework for clean growth and climate change.)

Since the Charlottetown and Kelowna processes, First Nations also have not had access to preparatory senior officials meetings that are critical to preparation for FMM discussions (even when leadership are invited). Preparatory work by senior officials can include: informal discussions on possible shared outcomes, sharing of information across delegations such as position papers and data; and identifying decision points and recommendations for First Ministers (and First Nations leadership when included).

4 Russell, P., & Jones, R. (1995). *Aboriginal Peoples and Constitutional Reform*. Royal Commission on Aboriginal Peoples).

5 The formal title of the Kelowna Accord was *First Ministers and National Aboriginal Leaders: Strengthening Relationships and Closing the Gap*. Soon after its negotiation, the government of Prime Minister Paul Martin fell, and Conservative Prime Minister Stephen Harper dismissively refused to discuss the Accord's implementation. First Nations also negotiated a companion, bilateral, First Nations specific Accord - the 2005 [First Nations-Crown Political Accord on the Implementation of the Inherent Right to Self-Government](#). That Accord was developed based on the report of a Chiefs Committee to AFN's First Nations-in-Assembly.



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During the 2021 elections, and as part of earlier platform commitments, the Prime Minister committed to holding an FMM on First Nations, Inuit, and Métis priorities.

In December 2025, following advocacy by AFN leadership, Prime Minister Carney addressed the AFN Special Chiefs Assembly and made a commitment to Chiefs to call a First Ministers Meeting on First Nations issues, with First Nations determining the agenda.

The 2026 First Nations FMM will be the first that focuses solely on First Nations issues and where First Nations will determine the agenda.